

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



December 17, 2002

Regulation Packages #1201-24,  
0602-12 and 0801-18

CDSS MANUAL LETTER NO. EAS-02-05

TO: HOLDERS OF THE EAS MANUAL, DIVISION 40, 42, 44, 80 and 82

**Regulations Packages # 0602-12****Effective 8/01/02****Sections 40-181, 42-710, 42-711, 42-721, 44-314, 80-301 and 82-812**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/Eligibilit\\_617.htm](http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm).

These regulations allow parents to receive CalWORKs services, for the purpose of family reunification, when a child(ren) is temporarily removed from the home and receiving out-of-home care.

These regulations were adopted on an Emergency basis effective 8/01/02 and were considered at the Department's public hearings held on October 15, 16, & 17, 2002.

**Regulations Packages #1201-24****Effective 8/01/02****Sections 42-701, 42-710, 42-711, 42-712, 42-718, 42-719 and 42-721**

These regulations expand the activities allowed for post 18 or 24 month time limit CalWORKs recipients to include Welfare-to-Work grant program paid community service or experience.

These regulations were adopted on a Regular basis effective 8/01/02 and were considered at the Department's public hearings held on April 17, 2002.

**Regulation Package # 0801-18****Effective 8/21/02****Sections 40-100, 40-187, 40-188 and 40-190**

Regulation Package #0801-18 amends CalWORKs Inter-County Transfer procedures by specifying the timeframes, eligibility criteria, and client-informing procedures counties must follow to ensure continuous services and cash aid for recipients moving from one county to another

These regulations were adopted on a regular basis effective 8/01/02 and were considered at the Department's public hearings held on January 15, 2002 and January 16, 2002.

### **FILING INSTRUCTIONS**

**Revisions to all manuals are shown in graphic screen.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-02-04.

<u>Page(s)</u>	<u>Replace(s)</u>
44 and 45	Pages 44 and 45
107.1	Page 107.1
118 through 123.1	Pages 118 through 123
126 and 127	Pages 126 and 127
222 through 241	Pages 222 through 241
260 through 263	Pages 260 through 263
270 and 271	Pages 270 and 271
274 and 275	Pages 274 and 275
278 and 279	Pages 278 and 279
477 through 478.1	Pages 477 through 478.1
853 through 854.1	Pages 853 and 854
910 through 911.3	Pages 910 and 911

Attachments

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<b>CHAPTER 40-100 GENERAL</b>	<b>40-100</b>
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<b>40-101 GENERAL POLICIES AND PRINCIPLES</b>	<b>40-101</b>
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.1 General Policies and Principles

Assistance is to be administered in a manner which is consistent with and will help achieve basic program purposes; which respects individual rights under the U. S. Constitution, State and Federal laws which does not violate individual privacy or personal dignity.

The following policies and principles govern the delivery of public assistance:

- .11 Assistance is to be administered promptly and humanely, with due regard to the preservation of family life and without discrimination. Compliance with all civil rights laws, rules and regulations of Division 21 is required in the administration of these regulations, including compliance by contractors and subcontractors. Assistance is to be so administered as to encourage self-respect, self-reliance, and the desire to be a good citizen useful to society.
- .12 It is the responsibility on all who are concerned with the administration of aid to do so with courtesy, consideration, and respect toward applicants and recipients and without attempting to elicit any unnecessary information. Administrative duties should be performed in such a manner as to secure for every applicant and recipient the amount of aid to which he or she is entitled under the law.
- .13 All applications and records are confidential and not open to examination for any purpose not directly connected with the administration of these programs (see Division 19).
- .14 The provisions of the law relating to public assistance are to be fairly and equitably construed.
- .15 Aid is to be provided to every applicant in his or her own home or in some other suitable home of his or her own choosing in preference to placement in an institution.
- .16 There is to be no question, inquiry, or recommendation relating to the political or religious opinions or affiliations of an applicant or recipient.
- .17 Applications for public assistance are to be reviewed promptly in accord with regulations prescribed by the State Department of Social Services, and when appropriate, with regulations prescribed by the State Department of Health Services.

NOTE: Authority cited: Sections 10553, 10554, 10605, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, 10605, Welfare and Institutions Code.

<b>40-103</b>	<b>DEFINITIONS AND DESIGNATIONS - GENERAL</b>	<b>40-103</b>
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- .1 Public Social Services (See definition in Section 11-003.1.)
- .2 Services (See definition in Section 10-010(j).)
- .3 Aid
  - .31 Cash grant for maintenance needs and medical assistance under the California Medical Assistance Program.
  - .32 Medical Assistance only for others who are determined eligible under the California Medical Assistance Program. Aid is not interrupted by a change in recipient status from a cash grant to medically needy individual or family under the same program. The change requires no new application.
- .4 Applications for Aid

An application is a request for aid in writing made to the county welfare department on the SAWS 1 (Rev. 9/90) either by the applicant or on his or her behalf.

Applications are as follows:

- .41 New -- The applicant has not previously applied for the same aid in the same county.
- .42 Restoration -- The applicant was a recipient of the same category of aid in the same county and his or her grant has been discontinued for 12 months or less at the time of the current application. See Section 40-125.9 Request for Restoration of Aid.
- .43 Reapplication
  - .431 The applicant's previous application for the same aid in the same county was withdrawn or denied, or
  - .432 The applicant is a former recipient of the same aid in the same county whose grant has been discontinued for more than 12 months at the time of the current application.
- .44 Appropriate Action on an Application -- Appropriate action on an application includes authorization of a cash grant and certification for medical assistance to persons determined to be eligible; certification as a medically needy person or family eligible for medical assistance, or such other disposition as is indicated by the investigation, i.e., denial, cancellation, etc. (See Section 40-171.)

<b>40-181</b>	<b>CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY</b>	<b>40-181</b>
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(Continued)

- (3) All applicants for, and recipients of, assistance shall be notified in writing at the time of application, and at each redetermination that information available through IEVS will be requested, used, and may be verified through collateral contact when discrepancies are found by the CWD, and that such information may affect his or her eligibility and level of benefits.
- (4) In reunification cases, the parents shall be subject to a six-month eligibility redetermination. The six-month period shall coordinate with the court's review of the family reunification plan.
- (5) An eligibility redetermination shall be required to reopen the CalWORKs case when a family is reunified before or after the initial six-month reunification plan period or redetermination period.
- (6) In family reunification cases, the parents are not required to submit a monthly eligibility report as long as the family reunification plan remains in place.
- (f) Aid shall not be discontinued nor a warrant cancelled without compliance with Section 22-022.
- (g) Aid shall not be discontinued due solely to circumstances beyond the control of the recipient which prevents reporting changes within five calendar days or the prompt return of the CA 2 or CA 7 eligibility redetermination forms.

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<b>40-181</b>	<b>CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY</b>	<b>40-181</b>
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(Continued)

- .51 A recipient who leaves the state, county, or country is responsible for informing the county paying aid immediately of his/her departure and of changes in his/her living plan, income, and needs. If absent from the state, he/she is also required to inform the county of his/her residence intent. If in the state but absent from the county paying aid, he/she is required to give information from which the county can determine if an intercounty transfer is in order (see Section 40-187). If the recipient leaves the state, the county shall immediately determine his/her residence intent and take appropriate action as provided in Chapter 42-400.
- .52 Except for children receiving Kin-GAP, when a periodic determination of eligibility is due during a recipient's temporary absence from the state or county, the Statement of Facts (CA 2) shall be sent to a welfare agency in the locality. Such agency shall be requested to interview the recipient, secure the signed CA 2 and return it with a report on the recipient's plan regarding his/her living arrangements, current needs and income, if he/she is out of state.
- .53 If it is not possible to secure the signed form and report through the agency within a reasonable time, direct request shall be made to the recipient to submit a completed form with a statement of his/her living arrangements, income and needs, and his/her intent as to residence out of state.
- .54 If a periodic determination of eligibility is due within the transfer period (see Section 40-185) the county currently paying aid requests the county to which the case is being transferred to make the periodic determination.

NOTE: Authority cited: Sections 10553, 10554, 10604, 11203, 11265.1, 11369, and 18904, Welfare and Institutions Code. Reference: 42 U.S.C. 616(b) and (f); 45 CFR 233.28 and 233.29(c); and 45 CFR 235.112(b); 7 CFR 273.16(b); Sections 10063, 10553, 10554, 10604, 11008, 11203, 11253.5, 11254, 11265.8, 11280, 11450.12, 11451.5, 11451.7, 11486, and 11495.1, Welfare and Institutions Code; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

<b>40-183</b>	<b>INTRAPROGRAM STATUS CHANGE</b>	<b>40-183</b>
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Each assistance program has the following integral parts:

- (a) cash grants for maintenance with medical assistance, and
- (b) medical assistance for the medically needy.

.1 Intraprogram Status Change -- Defined

An intraprogram status change means change in status from one part of the same program to the other, i.e., from cash grant to medically needy and vice versa within the same program and changes between CalWORKs and AFDC-FC, or AFDC-FC and Kin-GAP, or CalWORKs and Kin-GAP. (See Sections 40-183.5 and 44-317.6.)

.2 Using Same Case Number and Record

It is recommended that the same case number and the same case record be utilized for aid and/or medical assistance certifications under either part of the program. The case is then designated by program as cash grant or medically needy, according to which ever is appropriate at the time.

.3 Circumstances in Which Status Change is Appropriate

An intraprogram status change is appropriate under the following circumstances:

- .31 The recipient becomes ineligible for a continuing cash grant but is eligible for certification for medical assistance as a medically needy person within the same program or
- .32 Circumstances of the person who has been certified as medically needy change so that upon application for AFDC or request for restoration as specified in Section 40-121 he/she is eligible for cash assistance for his/her maintenance needs within the same program.

.4 Change From a Cash Grant Recipient to Medically Needy

When the recipient becomes ineligible to a continuing cash grant but remains eligible for medical assistance as a medically needy person, the cash grant shall be discontinued. The discontinuance notice shall indicate that only the cash grant is terminated and that the recipient continues eligible as medically needy. Any necessary change in his certification for medical assistance to reflect his change in status from recipient to a medically needy person, shall be made.



<b>40-183</b>	<b>INTRAPROGRAM STATUS CHANGE (Continued)</b>	<b>40-183</b>
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.5 Change From Medically Needy to Cash Grant Recipient

Application for AFDC as specified in Section 40-121, and determination of eligibility to receive an AFDC cash grant are necessary before the status of a medically needy person may be changed to that of an AFDC recipient. A new Statement of Facts (CA 2) is required only when a periodic determination of eligibility is due or there has been some significant change in circumstances which gives a basis for questioning eligibility for AFDC. See Section 40-181.212. When all eligibility criteria are met for AFDC, the grant shall be authorized and the authorization document shall indicate a status change from medically needy to AFDC cash grant. Any necessary change in his/her certification from medical assistance, to reflect his/her change in status from a medically needy person to an AFDC cash grant recipient, shall be made.

NOTE: Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: Sections 11053 and 11102, Welfare and Institutions Code.

<b>40-185</b>	<b>INTERPROGRAM TRANSFERS</b>	<b>40-185</b>
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.1 Interprogram Transfer -- Defined

An Interprogram Transfer is a transfer from one cash grant program to another, which is completed without interruption in aid payment.

.2 When Interprogram Transfer Initiated

An interprogram transfer shall be made to AFDC when a recipient in one program applies for and is determined to be eligible for AFDC

.3 Repealed by Manual Letter No. EAS-91-02, effective 2/1/91.

<b>40-187</b>	<b>INTERCOUNTY TRANSFER</b>	<b>40-187</b>
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.1 The following definitions pertain to intercounty transfer (ICT) procedures.

.11 30-Day Transfer Period

The 30-day transfer period begins with the postmarked date or the date of the electronic transfer of the notification of the ICT. When the 30th day falls on a Saturday, Sunday or a legal holiday, the first business day following the weekend or holiday is considered to be the last day of the 30-day transfer period.

<b>40-187</b>	<b>INTERCOUNTY TRANSFER (Continued)</b>	<b>40-187</b>
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| .12 | Expiration of Transfer Period | The end of the month following the 30-day transfer period after the first county either mails or electronically transfers the notification of the ICT to the second county or the end of the month in which aid is discontinued for cause, whichever is earlier. By mutual agreement of the counties involved, the transfer of responsibility may occur at an earlier date. |
| .13 | First County                  | The county from which the recipient has moved.                                                                                                                                                                                                                                                                                                                              |
| .14 | Intercounty Transfer          | A transfer of responsibility for determination of eligibility and for provision of social services from one county to another.                                                                                                                                                                                                                                              |
| .15 | Second County                 | The county to which the recipient has moved to make his home.                                                                                                                                                                                                                                                                                                               |
| .16 | Transfer Period               | The period of time in which the second county determines eligibility and the first county remains responsible for payment of aid.                                                                                                                                                                                                                                           |

NOTE: Authority cited: Sections 10553, 10554, 10604, 11053, and 11102, Welfare and Institutions Code.  
Reference: Sections 10553, 10554, 10604, 11450.018(a) and (b) and 11452.018(a), Welfare and Institutions Code.

<b>40-188</b>	<b>TRANSFER PROCEDURE</b>	<b>40-188</b>
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|------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| .1   | First County         | The first county shall:                                                                                                                                                    |
| .11  | Notify Second County | Notify the second county of the initiation of a case transfer in writing using the "Notification of Intercounty Transfer" form or via electronic data transfer.            |
| .111 | Foster Care          | Notify the second county of the initiation of a case transfer in writing by form FC 18 (2/97) "Notification of AFDC-Foster Care Transfer" or via electronic data transfer. |

<b>40-188</b>	<b>TRANSFER PROCEDURE (Continued)</b>	<b>40-188</b>
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| .12  | Inform Recipient               | Inform the recipient in writing of his/her responsibility to immediately apply for a redetermination of eligibility in the second county to avoid a break in aid.                                                                                                                                                                                                         |
| .121 | Foster Care                    | For children receiving AFDC-FC, where there is a legal guardian for the child, the first county shall inform the legal guardian in writing of his/her responsibility to apply for a redetermination of eligibility in the second county.                                                                                                                                  |
| .13  | Provide Documentation          | Provide the second county within seven working days from the date that the first county notifies the second county of a case transfer (per Section 40-188.11), with copies of the most recent:                                                                                                                                                                            |
| .131 | CalWORKs                       | CA 1/SAWS 1 (Application for Cash Aid, Food Stamps and/or Medical Assistance).                                                                                                                                                                                                                                                                                            |
| .132 | CalWORKs                       | Welfare-to-Work plan (See Section 42-711.6).                                                                                                                                                                                                                                                                                                                              |
| .133 | CalWORKs-Incap                 | Medical verification of incapacity.                                                                                                                                                                                                                                                                                                                                       |
| .134 | Exempt AU Status               | Verification of the AU's MAP exempt status.                                                                                                                                                                                                                                                                                                                               |
| .135 | Foster Care                    | SAWS 1; FC 2/JA 2/KG2; SOC 158A; Birth Certificate/Alien Status; Social Security Number, FC 3/FC 3A; Voluntary Placement Agreement, Legal Guardianship Papers, or Court Order which establishes the authority for placement; Independent Living Plan; evidence supporting federal and/or state eligibility; and any other information necessary to determine eligibility. |
| .136 | Maximum Family Grant Informing | Maximum Family Grant (MFG) informing notice or other documentation verifying that MFG informing requirements have been met (see Section 44-314).                                                                                                                                                                                                                          |

40-188	TRANSFER PROCEDURE (Continued)	40-188
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.137	AU with Children Under Age 6	Verification of age-appropriate immunizations pursuant to Section 40-105.4(d), which the county has determined acceptable.
.138		Copies of any documents supporting the eligibility determination made by the first county when requested by the second county.
.14	Determine Eligibility	Determine continuing eligibility and amount of cash aid from the Monthly Eligibility Report due during the transfer period.
.15	Inform	Inform the second county of any changes in eligibility or payment level and send a copy of any resulting notice of action.
.16	Discontinue	Discontinue responsibility for the provision of aid at the end of the transfer period.
.17	Foster Care	Obtain notification, written or via electronic data transfer, from the second county of the receipt and disposition of the transfer.
.2	Second County	The second county shall:
.21	Contact Recipient	Provide or send an appointment letter to the recipient, if the address is known. The letter shall include the address and telephone number of the county welfare office, an appointment date and time, and inform the recipient that the appointment may be re-scheduled, if needed. Aid shall not be stopped or suspended for the recipient's failure to keep the first appointment during the transfer period. The county may also include with the appointment letter any additional forms needed to complete the redetermination of eligibility.

<b>40-188</b>	<b>TRANSFER PROCEDURE (Continued)</b>	<b>40-188</b>
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|-----|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| .22 | Redetermine Eligibility    | Eligibility and grant amount shall be determined based on current circumstances using continuing recipient criteria. The county shall follow the provisions of Section 40-126.3 when processing the ICT. Continuing eligibility determination must be completed by the end of the transfer period as specified in Section 40-187.12. |
| .23 | Provide Information        | Provide the first county with any information which might affect eligibility or the amount of cash aid during the transfer period.                                                                                                                                                                                                   |
| .24 | Foster Care Legal Guardian | For children receiving CalWORKs, where there is a legal guardian for the child, make an effort to secure the cooperation of the legal guardian.                                                                                                                                                                                      |
| .25 | Foster Care Notification   | Provide the first county with notification, written or via electronic data transfer, of the receipt and disposition of the transfer documentation.                                                                                                                                                                                   |

NOTE: Authority cited: Sections 10553, 10554, 10605, 11053, 11102, and 11369, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10605, Welfare and Institutions Code; and Nickols v. Saenz Court Order Case Number 310867.

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<b>40-190</b>	<b>COUNTY RESPONSIBILITY</b>	<b>40-190</b>
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|------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| .1   | Initiation of Intercounty Transfer | An intercounty transfer shall be initiated immediately when:                                                                                                                                                                                                                                                                                     |
| .11  | First County is Notified of Move   | The first county is notified that the recipient has moved his/her permanent residence to another county.                                                                                                                                                                                                                                         |
| .12  | Foster Care Transfer               | Responsibility for the child welfare services case management function of a child receiving AFDC-FC is transferred from an agency in one county to an agency in another county.                                                                                                                                                                  |
| .121 | Legal Guardian                     | The child's legal guardian changes his/her county of residence, the first county shall transfer the AFDC-FC case to the second county.                                                                                                                                                                                                           |
| .13  | Court Jurisdiction                 | Court jurisdiction for a child receiving AFDC-FC is received by a court that is located in another county.                                                                                                                                                                                                                                       |
| .14  | Kin-GAP Transfer                   | A Kin-GAP child has been receiving aid from a county other than the county of responsibility as identified in Section 90-105.2, the case should be transferred to the county of responsibility.                                                                                                                                                  |
| .2   | Payment Responsibility             | There shall be no interruption nor overlap in payment of aid when a recipient moves from one county to another county.                                                                                                                                                                                                                           |
| .21  | General Rule                       | The first county is responsible for continuing eligibility and aid payment during the transfer period.                                                                                                                                                                                                                                           |
| .22  | Transfer of AU Members             | When a child(ren) moves to the home of a new caretaker relative, who resides in the second county, the first county's responsibility for payment of CalWORKs during the transfer period is as follows:                                                                                                                                           |
| .221 | Creation of New AU                 | When the transfer of a child(ren) results in the creation of a new AU which consists of the transferred child plus one or more applicants for aid, the first county is responsible for eligibility and aid payment during the transfer period. The first county is responsible for adding the applicants to the existing AU in the first county. |

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**HANDBOOK BEGINS HERE**

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- (a) A child receiving CalWORKs from one county, the first county, moves to another county, the second county, to live with his mother. Also in the home are three of the mother's other children. The mother and the other children are unaided, but the mother requests aid for herself and also for these children.

The first county is responsible for eligibility and payment during the transfer period. The mother and children are added to the existing AU in the first county.

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**HANDBOOK ENDS HERE**

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.222 Addition to Existing AU

When a transferred child is added to an existing AU which consists of the transferred child and persons currently aided in the second county, the second county is responsible for eligibility and payment for the entire AU. The second county is responsible for adding the transferred persons to the existing AU in the second county.

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**HANDBOOK BEGINS HERE**

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- (a) A child receiving CalWORKs from the first county moves to a second county to live with his mother, who is receiving CalWORKs from the second county for her three other children. The mother requests aid for the transferred child. The second county becomes responsible for eligibility and payment. The first county discontinues its case with appropriate notice. The second county adds the transferred child to the existing AU in the second county if otherwise eligible. There is no break in aid for the transferred child.

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**HANDBOOK ENDS HERE**

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<b>42-701</b>	<b>INTRODUCTION TO WELFARE-TO-WORK</b>	<b>42-701</b>
	(Continued)	

- (h) Reserved
- (i) (1) "Intermediary Service Provider" means a public or private agency with a CWD contract that subcontracts with employers to provide training or employment to participants.
- (j) (1) "Job Creation Plan" means a county plan for local job creation. The Trade and Commerce Agency provides funding for job creation activities that will provide employment for recipients.
- (2) "Job Readiness Assistance" means a welfare-to-work activity that provides the recipient with training to learn basic job seeking and interviewing skills, to understand employer expectations, and to learn skills designed to enhance an individual's capacity to move toward self-sufficiency.
- (3) "Job Search" means a welfare-to-work activity in which the participant's principal activity is to seek employment.
- (k) Reserved
- (l) (1) "License" means a document issued by a governmental agency which grants authority to practice a trade, profession or the like.
- (m) Reserved
- (n) Reserved
- (o) Reserved
- (p) (1) "Performance-based Contract" means training or education under a contract in which payment is made to the contractor only after the achievement of a specified goal.
- (2) "Protocol" means procedures, methods, a prescribed plan of action, or a set of rules that will govern actions.
- (q) Reserved
- (r) (1) "Refugee Cash Assistance (RCA) Welfare-to-Work Participant" means a refugee applicant or recipient who meets the requirements of MPP Section 69-206.12 and who is participating in the Welfare-to-Work Program as directed by the county plan.

42-701	<b>INTRODUCTION TO WELFARE-TO-WORK</b> (Continued)	42-701
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- (s) (1) "Supplemental Refugee Services (SRS) Welfare-to-Work Component" means a supplemental services component, within the CalWORKs Welfare-to-Work Program, for CalWORKs refugees who would otherwise be temporarily excepted from the full range of Welfare-to-Work services due to Welfare-to-Work funding limitations.
- (2) "Subsidized Employment" means employment in which the welfare-to-work participant's employer is partially or wholly reimbursed for wages and/or training costs.
- (3) "Supported Work or Transitional Employment" means a welfare-to-work activity that is a form of grant-based OJT in which the participant's cash grant, or a portion thereof, or the aid grant savings from employment, is diverted to an intermediary service provider to partially or wholly offset the payment of wages to the participant.
- (t) Reserved
- (u) Reserved
- (v) (1) "Volunteer" means a CalWORKs applicant or recipient who, though not required to participate in the Welfare-to-Work Program, chooses to participate.
- (w) (1) "WtW Grant program" means the Welfare-to-Work (WtW) Grant program as described in 42 U.S.C. 603(a)(5), authorizing the U.S. Department of Labor to provide WtW grants to states and local communities.
- (2) "Welfare-to-Work Plan" means a plan developed by the CWD and the participant that specifies the program activities in which a participant shall engage and the services that will be provided to the participant.
- (3) "Work Experience" means a welfare-to-work training activity in the public or private sector under the close supervision of the activity provider, that helps provide basic job skills, enhance existing job skills in a position related to the participant's experience, or provide a needed community service that shall lead to unsubsidized employment.
- (x) Reserved
- (y) Reserved
- (z) Reserved

NOTE: Authority cited: Sections 10531, 10553, and 10554, Welfare and Institutions Code. Reference: Section 8172, Education Code; Sections 10063, 10800, 11320, 11320.3(b)(3)(A), 11322.6, 11322.9, 11324.6, 11324.8, 11325.21, 11331.5, 11495, 11495.1, 11495.12, and 13280, Welfare and Institutions Code; and Sections 15365.50 and 15365.55, Government Code; and 42 U.S.C. 603(A)(5).

<b>42-702</b>	<b>CALWORKS WELFARE-TO-WORK ENROLLMENT REQUIREMENTS</b>	<b>42-702</b>
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- .1 An individual who was receiving aid in the month prior to the implementation date of CalWORKs Welfare-to-Work Program in the county shall be enrolled in the Welfare-to-Work Program no later than January 1, 1999.
- .11 The CWD may require an existing GAIN participant to enter into a new welfare-to-work plan prior to completion of the activities in the GAIN contract in which the individual is satisfactorily participating. New requirements (including, but not limited to, hours and/or activities) and services may be added to those in the contract, but no assignment(s) may be withdrawn prior to completion without the participant's written consent.
- .2 An individual whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, shall be enrolled by the CWD at the time when the application for aid is granted. An individual who volunteers to participate before the application is granted shall be enrolled at the time he or she volunteers.
- .3 Enrollment is defined as sending an individual a notice that he or she is scheduled for a welfare-to-work appraisal or that he or she is required to convert their GAIN contract to a welfare-to-work plan, as appropriate.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10532(c) and 11322.8, Welfare and Institutions Code.

<b>42-710</b>	<b>18- AND 24-MONTH TIME LIMITS</b>	<b>42-710</b>
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- .1 Except as otherwise provided in these regulations, a parent or caretaker relative, whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, is not eligible to receive aid for a cumulative period of more than 18 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in unpaid community service, grant-based OJT community service, and/or WtW Grant program work experience, and activities required under Sections 42-711.93, .94, and .96, for the required minimum hours in accordance with Section 42-711.4.
- .11 The time-limit period starts on the date the recipient signs, or refuses to sign without good cause, a welfare-to-work plan described in Section 42-711.6 et seq.
- .12 The CWD shall adopt criteria for extending the 18-month time limit for up to six months.
  - .121 The criteria adopted by the CWD shall be used to determine if:
    - (a) an extension is likely to result in unsubsidized employment; or
    - (b) employment is not available due to local employment rates or economic conditions.

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- .122 In determining whether an extension should be granted because it is likely to result in unsubsidized employment or because employment is not available, the CWD also may consider criteria related to the employability of the individual and other relevant factors.
- .2 Except as otherwise provided in these regulations, a parent or caretaker relative, who was receiving aid in the month prior to implementation of the Welfare-to-Work Program in the county, is not eligible to receive aid for a cumulative period of more than 24 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in unpaid community service, grant-based OJT community service, WtW Grant program community service, and/or WtW Grant program work experience, and activities required under Sections 42-711.93, .94, and .96, for the required minimum hours in accordance with Section 42-711.4.
- .21 The time-limit period starts on the date the recipient signs, or refuses to sign without good cause, a welfare-to-work plan described in Section 42-711.6 et seq.
- .22 The provisions of Section 42-710.2 apply to a parent or caretaker relative who was receiving aid in the month prior to implementation of the Welfare-to-Work Program in the county, even if the individual has had an intervening break in aid.
- .3 A parent or caretaker relative recipient who has reached the 18- or 24-month time limit, who is working in unsubsidized employment for less than the required minimum hours, and for whom no job is currently available as specified in Section 42-710.5 for the required number of hours, shall remain eligible for aid by participating in unpaid community service, grant-based OJT community service, WtW Grant program community service, and/or WtW Grant program work experience, and activities required under Sections 42-711.93, .94, and .96, for the additional number of hours necessary to meet the participation requirements in accordance with Section 42-711.4.

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- .31 If an individual has received aid for a cumulative period of more than 18 or 24 months, as specified in Section 42-710.1 or .2, as applicable, and returns to aid after a break in aid of at least one month, the CWD shall determine whether to require the individual to participate in community service in accordance with Section 42-711.9 or in welfare-to-work activities described in Section 42-716.
- .4 No month in which aid has been received prior to January 1, 1998 shall be taken into consideration in computing the required 18- or 24-month time limits.
- .5 For purposes of these time limits, "no job is currently available" means that the recipient has taken and continues to take all the steps to apply for appropriate positions and has not refused an offer of employment without good cause.
- .6 A month of receipt of aid shall not count toward the 18- or 24-month time limit period when it is a month in which the individual is:
- .61 Not required to participate in welfare-to-work activities because he/she is exempt from participation, in accordance with Section 42-712 et seq., and the condition is expected to last for at least 30 days,

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- .62 Required to participate in, participating in, or exempt from the Cal-Learn Program, in accordance with Section 42-712.11.
- .63 Sanctioned and removed from the assistance unit in accordance with Section 42-721.4, or,
- .64 Participating in an approved SIP and participation is interrupted for good cause. (See Section 42-711.546.)
- .65 Identified as a past or present victim of domestic abuse and the county has waived the time limit as described in Section 42-713.221.
- .66 A reunification parent pursuant to the temporary absence/family reunification provisions of Section 82-812.68, whose time limit period has not started pursuant to Sections 42-710.11 and .12, and for whom the CWD has elected to utilize a court-approved reunification plan in lieu of the welfare-to-work plan specified in Section 42-711.6.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10532(c)(2), 11203, 11320.1(c) and (d), 11320.3(a) and (b), 11322.6(f), 11322.9, 11325.21, 11325.23(c), 11325.4, 11327.5(c), 11454, 11454.5(a), 11495.1, and 16501.1(d) and (f)(11), Welfare and Institutions Code.

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- .1 Program Information for Applicants
  - .11 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall do the following:
    - .111 Determine whether the individual is required to participate in welfare-to-work activities.
    - .112 Provide the individual, in writing and orally as necessary, with information including:
      - (a) A general description of education, employment, training opportunities, and the supportive services available, including transitional benefits.
      - (b) A description of the exemptions from required welfare-to-work participation provided in Section 42-712 and the consequences of a failure or refusal to participate in program components if not exempt, pursuant to Section 42-721.3.
  - .12 At the time an individual is required to participate in welfare-to-work activities, he or she will receive a written preliminary determination, if applicable, that he or she is a member of a targeted group for purposes of any federal or state employer tax credit that may be operative.

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.2 Cal-Learn Exclusion

.21 The provisions of Section 42-711 shall not apply to individuals who are required to participate in, participating in, or exempt from, the Cal-Learn Program, as described in Sections 42-762 through 42-769.

.3 Non-Cal-Learn 19-Year-Old Custodial Parents

.31 A 19-year-old custodial parent who has no high school diploma or equivalent and is not participating in Cal-Learn is required to participate in welfare-to-work activities only to earn a high school diploma or its equivalent.

.311 The CWD may determine that participation in education activities for the purpose of earning a high school diploma or equivalent is inappropriate for a 19-year-old custodial parent:

(a) On the basis of an evaluation, pursuant to Section 42-711.58, which indicates that, because of a learning disability or medical problem, the individual is unable to successfully complete or benefit from these educational activities; or

(b) If at appraisal, the parent is already in an educational or vocational program that is approvable as a SIP in accordance with Section 42-711.541.

.32 A 19-year-old custodial parent who has a high school diploma or equivalent is required to participate in welfare-to-work activities and is subject to all program requirements.

.4 Hours of Participation

.41 Adult in One-Parent Assistance Unit

.411 Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate each month in welfare-to-work activities for a minimum average per week of 32 hours.

.412 In no event shall the adult recipient participate in welfare-to-work activities less than the hours of participation required under federal law for the entire time period on aid, unless the individual is an exempt volunteer. (See Section 42-714.2.)

.42 Adult(s) in Two-Parent Assistance Unit

.421 Unless exempt from participation, an adult recipient in a two-parent assistance unit whose basis for aid is unemployment shall participate each month for an average of at least 35 hours per week in welfare-to-work activities that will meet the hours of participation required under federal law.



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- (a) However, both parents in a two-parent assistance unit may contribute toward the 35-hour requirement, if at least one parent meets the federal work requirement of a minimum average of 20 hours per week.
- .422 To be eligible for federally-funded CalWORKs child care, both parents shall participate to meet the family's minimum participation requirement of an average of at least 55 hours per week in welfare-to-work activities.
  - (a) The 55-hour requirement does not apply to the family if an adult in the family is disabled, caring for a severely disabled child, or if nonfederal funds are used for child care.
- .5 Assignment of Recipients to Welfare-to-Work Activities
  - .51 After aid has been granted, recipients who are not exempt in accordance with Section 42-712, shall participate in welfare-to-work activities in the following sequence.

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- .511 Division 21, which includes provisions regarding nondiscrimination and the communication needs of limited English-proficient clients, applies to welfare-to-work activities and services.

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- .512 A county may provide a sanctioned individual with welfare-to-work activities and services, if the individual is considered a reunification parent pursuant to the temporary absence/family reunification provisions of Section 82-812.68, and the county determines that such services are necessary for family reunification.
- .52 Appraisal
  - .521 Recipients are required to participate in the appraisal specified in Section 42-711.522. At the option of the CWD, applicants may voluntarily participate.
  - .522 Prior to or during the appraisal, the CWD shall inform the individual in writing of the following:
    - (a) The requirement to participate in available welfare-to-work activities and a general description of the time limits in Section 42-710.

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- (b) A general description of the welfare-to-work program, including available activity components and supportive services.
  - (c) A general description of the rights, duties, and responsibilities of the participants, including the following:
    - (1) A list of the exemptions from the required participation, pursuant to Section 42-712;
    - (2) The consequences of a failure or refusal to take part in the program activity(ies), pursuant to Section 42-721, and the criteria for successful completion of the program;
    - (3) A description of good cause criteria for noncooperation, pursuant to Sections 42-713 and 42-721.3;
    - (4) The right to request a state hearing or file a formal grievance, pursuant to Section 42-721.5;
    - (5) The right to a third-party assessment, pursuant to Section 42-711.556.
  - (d) A statement that the participant has the following grace periods:
    - (1) Three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan to evaluate, and request changes to, the terms of the plan, pursuant to Section 42-711.636.
    - (2) Thirty (30) days from the beginning of the initial training or education assignment activity to request a change or reassignment to another activity, pursuant to Section 42-711.637.
  - (e) School attendance requirements for children in the assistance unit.
- .523 During the appraisal, the individual shall provide information about their employment history and skills, the need for supportive services, and any other relevant information the CWD requires in order to assign welfare-to-work activities appropriately.
- .524 If the CWD denies an individual's request to continue in a SIP, pursuant to Sections 42-711.541 and/or .542, the CWD shall notify the participant in writing that the SIP was denied, the reason(s) for the denial, and the right to appeal the denial.

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.53 Job Search

.531 Recipients are required to participate in job search activities. At the option of the CWD, applicants may voluntarily participate. Exceptions to the requirement that all recipients must participate in job search activities are as follows:

- (a) Participation in job search has been determined not to be beneficial pursuant to Section 42-711.533.
- (b) Participation in job search shall not be required if the job search schedule will interfere with unsubsidized employment or participation in an approved SIP as specified in Section 42-711.54.
- (c) The individual is required to participate in, is participating in, or is exempt from Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.
  - (1) Upon earning a high school diploma or its equivalent, the above individuals shall not be required, but may be permitted, to participate in job search activities as their first program assignments following an appraisal.

.532 Upon completion of the appraisal specified in Section 42-711.52, all participants, except those specified in Section 42-711.531 and .533, shall be assigned to participate for a period of up to four consecutive weeks in job search activities.

- (a) Job search activities may include use of job clubs to identify the participant's qualifications.
- (b) The CWD shall consider the skills and interests of participants in developing a job search strategy.

.533 The period of job search activities may be shortened under the following circumstances:

- (a) The participant and the CWD agree that further job search activities would not be beneficial; or,
- (b) The CWD determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will limit or preclude the recipient's participation in welfare-to-work activities.

.534 Job search activities may be required in excess of four weeks if the CWD determines that the recipient's performance during job search indicates that extending the job search period is likely to result in unsubsidized employment.

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.535 Individuals shall continue to seek employment throughout their participation in welfare-to-work activities.

.54 Self-Initiated Programs (SIPs)

.541 Except as provided by Section 42-711.542, any recipient who is required to participate in welfare-to-work activities in accordance with Section 42-712.1, may continue in an undergraduate degree or certificate program that leads to employment for the 18- or 24-month time periods specified in Section 42-710, as applicable, if:

- (a) He or she is enrolled, as defined in Section 42-711.549, as of the earlier of:
  - (1) The date he or she is appraised, or
  - (2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment;
- (b) He or she is making satisfactory progress in that program;
- (c) The CWD determines that continuing in the program is likely to lead to self-supporting employment for that recipient; and
- (d) The welfare-to-work plan reflects that determination.

.542 Any individual who possesses a baccalaureate degree will not be eligible to participate in a SIP unless the individual is pursuing a California regular classroom teaching credential in a college or university with an approved teacher credential preparation program.

.543 A program will be determined to lead to employment if it is on a list of programs that the CWD and local education agencies or providers agree lead to employment.

- (a) The list must be agreed to annually, with the first list completed no later than January 31, 1998.
  - (1) By January 1, 2000, all educational providers must report data regarding programs on the list for the purposes of the report card established under Section 15037.1 of the Unemployment Insurance Code for the programs to remain on the list.

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- (b) For recipients whose program is not on the list, the CWD shall determine if the program leads to employment.
  - (1) The recipient shall be allowed to continue in the program within the 18- or 24-month time period specified in Section 42-710 if the recipient demonstrates to the CWD that the program will lead to self-supporting employment for that recipient and the documentation is included in the welfare-to-work plan.
    - (A) The CWD shall inform the recipient in writing of the process by which the recipient may demonstrate that a program not on the list of approved SIPs will lead to self-supporting employment.
- (c) Any recipient in any degree, certificate, or vocational program offered by a private postsecondary training provider will not be approved in a self-initiated training or education program unless the program is either approved or exempted by the appropriate state regulatory agency and the program is in compliance with all other provisions of the law.

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- (1) Degree, certificate, or vocational programs offered by private postsecondary schools are either: approved or exempted by the Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education or accredited by the Western Association of Schools and Colleges.

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- .544 If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the CWD shall require concurrent participation in work activities, pursuant to Sections 42-716.111(a) through (j) inclusive and in accordance with Section 42-711.5, to reach the 32-hour requirement.
- .545 Participation in the self-initiated education or vocational training program must be reflected in the required welfare-to-work plan.
  - (a) The welfare-to-work plan shall provide that whenever an individual ceases to participate in, refuses to attend regularly, or does not maintain satisfactory progress in the SIP, the individual shall participate in the welfare-to-work activities in accordance with Section 42-711.5.

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- .546 Any person whose previously approved SIP is interrupted for reasons that meet the good cause criteria in Section 42-713.2 may resume participation in the same program if the participant maintained good standing in the program while participating and the SIP continues to meet the approval criteria.
- (a) The CWD shall adjust the completion date of the program, accounting for the time of absence to allow the participant a cumulative time frame of 18 or 24 months as specified in Section 42-710.
- .547 Any recipient may continue until the beginning of the next educational semester or quarter break, his or her educational program that does not meet the criteria of Section 42-711.541, if:
- (a) He or she is enrolled, as defined in Section 42-711.549, as of the earlier of:
- (1) The date he or she is appraised, or
- (2) The date he or she would have been appraised if he or she had not failed, without good cause, to appear for the appraisal appointment:
- (b) He or she is making satisfactory progress in, the educational program;
- (c) He or she continues to make satisfactory progress in the program.
- .548 At the time the educational break occurs as provided in Section 42-711.547, the individual is required to participate in welfare-to-work activities pursuant to Section 42-711.51.
- (a) The time spent in the educational program will count toward the time limits specified in Section 42-710.
- (b) A recipient, described under Section 42-711.547, who is not expected to complete the program by the next break, may continue his or her education under the time frames in Section 42-710, provided:
- (1) He or she transfers at the end of the current quarter or semester to a program that qualifies under Section 42-711.541;
- (2) The CWD determines that participation is likely to lead to self-supporting employment of the recipient; and
- (3) The welfare-to-work plan reflects that determination.

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.549 For purposes of Sections 42-711.541 and .547, enrolled means that an individual has applied for and been accepted into the degree or certificate program, and continues to meet or fulfill all conditions, imposed by the institution offering the program, to maintain current enrollment status.

.55 Assessment

.551 Participants, except those excluded as provided in Sections 42-711.31, 42-711.557, and 42-711.558 and Section 42-719.111, shall be referred to assessment, if:

- (a) They do not obtain unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Section 42-711.4;
- (b) The CWD determines that participation in job search will not be required as the first activity because it would not be beneficial, or;
- (c) The CWD decides to shorten job search because it is not likely to lead to employment.

.552 Participants who are employed in unsubsidized employment with sufficient hours to meet the minimum hours of participation required under Section 42-711.4, shall be referred to assessment if they wish to participate in additional welfare-to-work activities listed in Section 42-716. If they do not wish to participate in additional welfare-to-work activities, they may opt out of an assessment and only receive necessary supportive services.

- (a) These individuals shall be informed that if they choose to go to assessment, they will be required to sign a welfare-to-work plan and their 18- or 24-month time period will begin.
- (b) They shall also be informed that if they do not go to assessment, they will only receive necessary supportive services from the CWD.

.553 Upon referral to assessment, a participant shall work with the CWD to develop and agree on a welfare-to-work plan, on the basis of the assessment of the individual's skills and needs. The plan shall specify the activities to which the participant will be assigned and the supportive services to be provided.

.554 The assessment shall include at least all of the following:

- (a) The participant's work history and an inventory of his or her employment skills, knowledge, and abilities.
- (b) The participant's educational history and present educational competency level.



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- (c) The participant's needs including the need for supportive services in order to obtain the greatest benefit from the employment and training services offered under CalWORKs.
  - (d) An evaluation of the chances for employment given the current skills of the participant and the local labor market conditions.
  - (e) Local labor market information.
  - (f) Physical limitations or mental conditions that limit the participant's ability for employment or participation in welfare-to-work activities.
  - (g) Identification of available resources to complete the welfare-to-work plan.
- .555 The CWD may contract with outside parties, including local educational agencies and service delivery areas, to provide the assessment.
- .556 If the participant disagrees with the results of the assessment, the matter shall be referred by the CWD for an independent assessment by an impartial third party.
- (a) The results of this assessment, which shall be binding upon the county and the participant, shall be used to develop the appropriate plan for the participant.
    - (1) No state hearing shall be granted regarding an assessment used to develop a welfare-to-work plan until an independent third-party assessment has been performed.
  - (b) No third party assessment shall be made by a party having any financial or other interest in the result of the assessment. The party making the assessment must be selected by the county according to an unbiased procedure.
- .557 An assessment, described in Section 42-711.55, shall not be required to develop a welfare-to-work plan for participants in approved SIPs unless the CWD determines that an assessment is necessary to assign the participant to concurrent activities to meet the minimum 32-participation-hours per week, as specified in Section 42-711.544.
- .558 An assessment, as described in Section 42-711.55, shall not be required for those welfare-to-work activities and services that are only provided as a component of a court-approved reunification plan for an individual, subject to the temporary absence/family reunification provisions of Section 82-812.68.

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- (a) An assessment and a welfare-to-work plan as described in Sections 42-711.55 and .6 respectively, are necessary for any welfare-to-work activities and services that are provided separate and beyond those welfare-to-work activities and services that are specified in an individual's reunification plan.

.56 Mental Health Assessment

If there is a concern that a mental disability exists that will impair the ability of a recipient to obtain employment, he or she shall be referred to the county mental health department.

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.561 Subject to appropriations in the Budget Act, the county mental health department shall evaluate the recipient and determine any treatment needs.

.562 The evaluation shall include:

- (a) The extent to which the individual is capable of employment at the present time and under what working and treatment conditions the individual is capable of employment.
- (b) Prior diagnoses, assessments, or evaluations that the recipient provides.

.563 Each CWD shall develop individual welfare-to-work plans for participants with mental or emotional disorders based on the evaluation conducted by the county mental health department.

- (a) The recipient's welfare-to-work plan shall include appropriate employment accommodations or restrictions, supportive services, and treatment requirements. (See Section 42-716.5, mental health treatment services.)
- (b) Any prior diagnosis, evaluation, or assessment provided by the recipient shall be considered in the development of his or her welfare-to-work plan.

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.57 Substance Abuse Assessment

If there is a concern that a substance abuse problem exists that will impair the ability of a recipient to obtain or retain employment, he or she shall be referred to the county alcohol and drug program for an evaluation and determination of any treatment necessary for the participant's transition from welfare to work. If the CWD determines that the county alcohol and drug program is unable to provide the needed services, the county department may contract directly with a nonprofit state-licensed narcotic treatment program, residential facility, or certified nonresidential substance abuse program to obtain substance abuse services for a participant.

- .571 If a participant is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the participant's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.

.58 Evaluation

A participant with a suspected learning or medical problem, as determined by information received during appraisal or assessment or by lack of satisfactory progress in an assigned activity component, shall be referred to an evaluation. This evaluation shall be performed by a professional whose training qualifies them to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment. As part of the evaluation, the CWD may require the participant to undergo the appropriate examinations to obtain information regarding the participant's learning and physical abilities.

- .581 Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:
- (a) Any of the welfare-to-work activities described in Section 42-716.111 including referrals to the participant's previous activities.
  - (b) Existing special programs that meet specific needs of the participant.

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- (c) Job search services if the CWD determines the participant has the skills needed to find a job in the local labor market.
- (d) Assessment or reappraisal in accordance with Sections 42-711.55 and .7, respectively.
- (e) Rehabilitation assessment and subsequent training.

.582 The participant shall be involved in the decisions made during the evaluation and will have the same right to appeal through the state hearing process, specified in Section 42-721.5, as other program participants.

.6 Welfare-to-Work Plan

.61 After assessment, or a determination by the county that CalWORKs services are necessary for family reunification, any recipient of aid or reunification parent pursuant to Section 82-812.68 who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD as soon as administratively feasible, except the county may elect to utilize a court-approved reunification plan in lieu of the welfare-to-work plan when all of an individual's welfare-to-work activities and services are provided as a component of a court-approved reunification plan under the temporary absence/family reunification provisions of Section 82-812.68.

.611 The plan shall include the activities and services that will move the participant into employment and toward self-sufficiency.

.612 A copy of the complete, signed plan shall be provided to the participant.

.62 A participant shall take part in one or more welfare-to-work activities, as defined in Section 42-716, for the required minimum hours provided in the welfare-to-work plan until he or she has reached the 18- or 24-month time limit.

.63 The plan shall be written in clear and understandable language and have a simple, easy-to-read format.

.631 The plan shall contain at least, but is not limited to, the information provided to the individual pursuant to Sections 42-711.522(b), (c), (c)(1) and (2), and (d)(2).

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- .632 The plan shall specify, and shall be amended to reflect changes in, the participant's welfare-to-work activities, a description of needed supportive services to be provided, and specific requirements for successful completion of assigned activities including required hours of participation.
- (a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such hours by the parent shall count toward the required hours of participation as defined in Section 42-711.4.
- .633 Participation in activities assigned under the welfare-to-work plan may be sequential or concurrent. The CWD may require concurrent participation in the assigned activities if it is appropriate to the participant's abilities, consistent with the participant's welfare-to-work plan, and the activities can be concurrently scheduled.
- .634 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as specified in Section 42-716.111(k).
- .635 The participant shall maintain satisfactory progress in the activities to which the participant is assigned, and the CWD shall provide the necessary supportive services as set forth in the plan.
- .636 The CWD shall allow the participant three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan in which to evaluate, and request changes to, the terms of the plan.
- .637 The participant has 30 days from the beginning of the initial welfare-to-work activity in which to request a change or reassignment to another activity or component of the activity.
- (a) The CWD shall grant the participant's request for reassignment if another assignment is available and consistent with the individual's welfare-to-work plan and the CWD determines the other activity will readily lead to employment.
- (b) This grace period will be available only once to each participant.

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b>	<b>42-711</b>
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(Continued)

.638 If an activity to be provided under the welfare-to-work plan is not immediately available to the participant, he or she shall be assigned to job search and/or job readiness activities until the education or training activity designated in the plan is available.

- (a) Job search activities are subject to the limits described in Section 42-711.53.

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- (b) The number of weeks during which an individual's participation in job search and job readiness activities will count toward meeting the federal work participation rates is limited by federal law. See Section 42-714.3(f).

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.7 Reappraisal

.71 The CWD shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities in his or her welfare-to-work plan, unless the participant has reached the 18- or 24-month time limit. The reappraisal shall evaluate whether there are extenuating circumstances, as defined by the CWD, that prevent the participant from obtaining employment within the local labor market area.

.711 If the CWD determines that extenuating circumstances exist, the participant shall be assigned to additional activities consistent with the reappraisal.

.712 If extenuating circumstances do not exist, and until the CWD reverses this determination or the participant reaches the 18- or 24-month time limit, the participant is required to participate for the required minimum hours in activities that are limited to the following:

- (a) Unsubsidized employment.
- (b) Work experience as defined in Section 42-701.2(w)(1).
- (c) Self-employment.
- (d) Job skills training directly related to employment.
- (e) Mental health, substance abuse, and/or domestic abuse services in accordance with Sections 42-716.5, 42-716.6, and 42-716.111(q), respectively.

.8 Satisfactory Participation

42-711 (Cont.)	NONLINKING FACTORS OF PUBLIC ASSISTANCE ELIGIBILITY WELFARE-TO-WORK	Regulations
42-711	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b> (Continued)	42-711
.81	The criteria for satisfactory participation in an assigned education or training activity include regular attendance and satisfactory progress. A participant who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to Section 42-711, and whose failure to make satisfactory progress is not due to a learning or medical problem, shall be subject to compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively, unless the participant is exempt from the participation and compliance requirements pursuant to Section 42-721.13.	
.811	The CWD or the service provider shall inform the participant of the standards for meeting the regular attendance and satisfactory progress requirements for the program to which they are assigned.	
.9	Community Service After Time Limits	
.91	The participant shall remain eligible for aid only if he or she works in unsubsidized employment and/or participates in unpaid community service, grant-based OJT community service, WtW Grant program community service, and/or WtW Grant program work experience, and activities required under Sections 42-711.93, .94, and .96, to meet the required minimum hours in accordance with Section 42-711.4 if:	
.911	The participant has reached the 18-month time limit (and exhausted any extension granted) or the 24-month time limit, as applicable;	
.912	The participant has not found unsubsidized employment sufficient to meet the required minimum hours of participation; and	
.913	The CWD has certified that no job is currently available for the participant, in accordance with Section 42-710.5.	
.92	For participants who have reached the 18- or 24-month time limits, the CWD shall provide community service activities and provide supportive services as described in Section 42-716.4. The changes to the activities and supportive services shall be reflected in an amended welfare-to-work plan.	
.921	A participant may take part in community service activities until he or she has received aid for a total of 60 months.	
.93	Participants whose assistance units include food stamp recipients shall participate in unpaid community service activities for the number of hours each month that is the lesser of the two following equations:	
.931	The number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment, grant-based OJT community service, WtW Grant program paid community service, and/or WtW Grant program paid work experience; or,	
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(Continued)

- .932 The number of hours, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Section 42-701.2(g)(2) and Section 42-716.111(f), only that portion, if any, received as a grant and the assistance unit's portion of the food stamp allotment shall be used in this calculation.
- .94 Participants whose assistance units do not include food stamp recipients shall participate in unpaid community service activities for the number of hours each month that is the lesser of the two following equations:
- .941 The number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment, grant-based OJT community service, WtW Grant program paid community service, and/or WtW Grant program paid work experience; or,
- .942 The number of hours, determined collectively for the assistance unit, equal to the grant received by the CalWORKs assistance unit divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Section 42-701.2(g)(2) and Section 42-716.111(f), only that portion, if any, received as a grant shall be used in this calculation.
- .95 The monthly amount in Sections 42-711.93 and .94 shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b>	<b>42-711</b>
	(Continued)	

- .96 Participants whose hours of participation in unpaid community service activities are determined pursuant to Section 42-711.932 or .942 and do not meet the participation requirement specified in Section 42-711.4 shall participate in other welfare-to-work activities for the additional number of hours necessary to satisfy the participation requirement.
- .97 Any individual required to participate in a community service activity who fails to comply with program requirements without good cause shall be sanctioned in accordance with Section 42-721.4.
- .98 See Section 42-710.31 for circumstances under which the CWD may require the individual to participate in welfare-to-work activities other than community service.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11203, 11253.5(b), 11320.1, 11320.15, 11320.3, 11322.6, 11322.8, 11322.9, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4 and .5, 11454(a), 15204.2 and .8, and 16501.1(d) and (f), Welfare and Institutions Code; 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i); 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; and Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

<b>42-712</b>	<b>EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION</b>	<b>42-712</b>
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- .1 Every individual is required to participate in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs, unless exempt in accordance with Sections 42-712.41 through .49 or excused from participation as specified in Section 42-712.11 or .12:
  - .11 An individual who is required to participate in, is participating in, or is exempt from, the Cal-Learn Program described in Sections 42-762 through 42-769. These individuals are subject to Cal-Learn Program requirements in lieu of the welfare-to-work requirements, while the Cal-Learn Program is operative.
  - .12 A second parent in a two-parent assistance unit, whose basis for aid is unemployment, who is not required to participate in welfare-to-work activities because the first parent is meeting the required participation hours described in Section 42-711.42.
- .2 Exemptions specified in Sections 42-712.41 through 42-712.48 shall not apply to individuals who are required to participate in, are participating in, or are exempt from, the Cal-Learn Program described in Sections 42-762 through 42-769.
- .3 Recipients are required to provide the documentation that is necessary to substantiate any claim to an exemption.
  - .31 CWDs shall advise recipients about the range of documents that is acceptable to verify exemption.
- .4 Individuals who meet any of the criteria specified in Sections 42-712.41 through 42-712.49 are exempt from participating in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs for so long as the condition(s) described in such sections exist.

<b>42-712</b>	<b>EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION</b>	<b>42-712</b>
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(Continued)

.41 Exemption Based on Age Under 16

- .411 A child under 16 years of age is exempt from participating in welfare-to-work activities.

.42 Exemption Based on School Attendance

- .421 An individual 16, 17, or 18 years of age is exempt from welfare-to-work participation when he/she is attending full-time, a school in grade twelve or below, or vocational or technical school. An individual who is 16 or 17 years old or a custodial parent who is under 20 years old described in Section 42-711.3 and whose required welfare-to-work activity is to attend school shall not requalify for the exemption in this section by attending school as a required welfare-to-work activity, in accordance with Section 42-719.

- (a) A full-time program shall be as defined by the school.

.43 Exemption Based on Age 60 or Older

- .431 An individual who is 60 years of age or older is exempt from participating in welfare-to-work activities.

.44 Exemption Based on Disability

- .441 An individual who has a disability is exempt from welfare-to-work participation when the following conditions exist:

- (a) The disability is expected to last at least 30 calendar days; and
- (b) The disability significantly impairs the individual's ability to be regularly employed or participate in welfare-to-work activities.

- .442 To qualify for this exemption, the individual shall do all of the following:

- (a) Provide verification from a doctor as defined in Section 42-701.2(d)(2) that includes the disability, the expected duration of the disability, and the extent to which the disability impairs employment and/or participation in the welfare-to-work activities; and
- (b) Actively seek appropriate medical treatment, as verified by a doctor as defined in Section 42-701.2(d)(2).

- .443 The exemption may be reviewed at the time the condition is expected to end, or sooner if there is reason to believe that there has been a change in the condition.

<b>42-718</b>	<b>OTHER PROVIDERS OF ACTIVITIES AND SERVICES</b>	<b>42-718</b>
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.1 Contracting Services

A public agency shall, in implementing CalWORKs and the CalWORKs Welfare-to-Work Program, perform program functions exclusively through the use of merit civil service employees of the public agency, except to the extent permitted by provisions of state and federal law that were in effect on August 21, 1996. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 did not become effective until August 22, 1996.

.11 Discrimination Prohibition

Employers, sponsors of training activities, and contractors shall not discriminate against participants on the basis of race, sex, national origin, age, or disability.

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**HANDBOOK ENDS HERE**

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.2 Contracts/Agreements for Job Search, Training, and Education Services

.21 Except as specified in Sections 42-718.212 and .213, any contract/agreement which provides for payment for training and education services shall be competitively selected using applicable state and federal regulations. Payment for services which are part of an individual's welfare-to-work plan may be made based upon fixed-unit-price performance-based criteria.

.211 Under these contracts, full payment shall not be considered earned by the contractor for training and education services as defined in Sections 42-716.111(a) through (r) until either of the following has occurred:

- (a) The participant has successfully completed the education program.
  - (1) A prorata share of the payment shall be paid to the education provider if the participant does not complete the education program.
- (b) The participant has successfully completed the training program and has been retained in unsubsidized employment for at least 180 days.
  - (1) Up to 70 percent of the fixed-unit price for training services may be paid upon placement in unsubsidized employment.

<b>42-718</b>	<b>OTHER PROVIDERS OF ACTIVITIES AND SERVICES</b>	<b>42-718</b>
	(Continued)	

- (A) At least 30 percent of the fixed-unit-price for training services shall be withheld for the follow-up during the 180-day retention period in unsubsidized employment.
  - 1. Progress payments shall be made from the 30 percent withholding portion upon evidence of participant job retention at 30, 90 and 180 days.
- (2) A prorata share of the 70 percent fixed-unit-price payment in Section 42-718.211(b)(1) shall be paid to the training service provider if the participant does not complete the training either through failure to cooperate, as determined by the CWD, or the participant obtains unsubsidized employment.
  - (A) If the participant in Section 42-718.211(b)(2) obtains unsubsidized employment related to the training, as determined by the CWD, and is retained for at least 180 days, the difference between the pro rata payment in Section 42-718.211(b)(2), and 70 percent of the fixed-unit price for training services shall be paid.
- .212 Training and education services funded by sources other than CalWORKs Welfare-to-Work shall be subject to the criteria and requirements of those sources and not to the requirements of Section 42-718.211.
- .213 The CWD shall be permitted to enter into contracts for educational services without having to adhere to the contracting requirements of Section 42-718.211, when the CWD is unable to obtain educational services due to the absence of an available adult education program or the small number of welfare-to-work referrals. Utilization of this exemption shall require prior review and approval by CDSS.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10619, 11320, 11322.62, and 11328.8, Welfare and Institutions Code.

<b>42-719</b>	<b>SCHOOL ATTENDANCE</b>	<b>42-719</b>
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- .1 All children in an assistance unit (AU) for whom school is compulsory, but who are not subject to Cal-Learn requirements as described in Sections 42-762 through 42-769, shall be required to regularly attend school, as specified in Section 40-105.5.
- .11 Teens ages 16 and 17, who are not regularly attending elementary, secondary, vocational, or technical school on a full-time basis, shall be referred to the CWD to have a welfare-to-work plan developed in accordance with Section 42-711.
  - .111 The welfare-to-work plan for teens ages 16 and 17, who have not completed high school or its equivalent, shall be for the purpose of completing high school or its equivalent only.
    - (a) These teens may, on a voluntary basis, participate in additional welfare-to-work activities, including job search activities, job readiness activities, and assessment, to the extent that these activities do not interfere with their school attendance.
    - (b) 18- and 24-month time limits under Section 42-710 shall not apply to these teens.
    - (c) The hours of participation under Section 42-711.4 shall not apply to these teens.
- .2 Teens ages 16 and 17 who have completed high school or its equivalent are required to participate in welfare-to-work activities and are subject to all Welfare-to-Work Program requirements specified in Section 42-711.
  - .21 18- and 24-month time limits shall not apply to these teens.
- .3 Failure by teens ages 16 and 17 to comply with the mandatory activities in their welfare-to-work plan, developed in accordance with Section 42-719.11, shall result in a reduction in the grant amount to the AU in accordance with Section 40-105.5.

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- .31 Example 1: A 16- or 17-year old teen fails to attend school regularly. His needs are taken out of the family's grant and, at the same time, he loses the exemption from the CalWORKs Welfare-to-Work Program. If he begins attending school regularly before participation in any specific welfare-to-work activity is required, his needs will be reinstated for complying with the school attendance requirement. Once notified of specific welfare-to-work requirements, the teen must also comply with those requirements. Aid will continue as long as he stays in school and complies with welfare-to-work requirements.
- .32 Example 2: A 16- or 17-year old teen fails to attend school regularly. Her needs are taken out of the family's grant and, at the same time, she loses the exemption from the CalWORKs Welfare-to-Work Program. She begins attending school regularly before participation in any specific welfare-to-work activity is required, and her needs are reinstated for complying with the school attendance requirement. She subsequently fails to comply with a welfare-to-work requirement, and is penalized for that reason. To reinstate her needs, the teen must comply with the Welfare-to-Work Program.
- .33 Example 3: A 16- or 17-year old teen fails to attend school regularly. His needs are not considered in determining the family's grant and, at the same time, he loses the exemption from the CalWORKs Welfare-to-Work Program. He does not resume regular school attendance and also fails to comply with welfare-to-work requirements. His needs will not be reinstated until he complies with both the school attendance and welfare-to-work requirements.

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**HANDBOOK ENDS HERE**

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- .34 Aid shall be restored in accordance with Section 40-105.5(g).

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11253.5, 11320.3(a) and (b)(2), 11322.8(a), 11325.21, 11331.5, and 11454(a), Welfare and Institutions Code; and Section 48200, Education Code.



<b>42-720</b>	<b>NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES</b>	<b>42-720</b>
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(Continued)

.6 Union Grievance

- .61 Any grievance procedure that is part of a collective bargaining agreement between the employer and labor union representing the dissatisfied employee shall be used in lieu of the process described in Section 42-720.42.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11324.5, 11324.6, and 11324.7, Welfare and Institutions Code.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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.1 The provisions of Sections 42-721.2, .3, and .4 shall not apply to:

- .11 Teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769.
- .12 Any person who is not required, but who volunteers, to participate in the Welfare-to-Work Program and who fails to appear for a scheduled appointment prior to entering into the welfare-to-work plan.
- .13 A reunification parent pursuant to Section 82-812.68 and whose welfare-to-work activities and services are only included in a court-approved reunification plan.
- .131 A noncompliant individual shall remain eligible for CalWORKs activities and services until the court terminates the reunification plan or upon reaching the time limit specified in Section 82-812.68 or Welfare and Institutions Code Section 11320.15, whichever is sooner.

.2 Compliance Process

- .21 An individual who is required to participate in program activities as a condition of receipt of aid shall be subject to sanctions specified in Section 42-721.4, whenever:
- .211 He or she fails or refuses without good cause to comply with program requirements; and
- .212 He or she subsequently fails or refuses without good cause to:
- (a) agree to a compliance plan; or
- (b) comply with a compliance plan agreed to by the CWD and the participant.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
	(Continued)	

- .22 Failing or refusing to comply with program requirements means failing or refusing to:
- .221 sign a welfare-to-work plan; participate in any assigned program activity, including a self-initiated program; provide required proof of satisfactory progress in any assigned program activity, including a self-initiated program; or accept employment;
  - .222 continue employment; or
  - .223 continue employment at the same level of earnings.
- .23 Upon determination that an individual has failed or refused to comply with program requirements, the CWD shall send the individual a notice of action effective no earlier than 30 calendar days from the date of issuance.
- .231 The notice of action shall inform the individual that a sanction will be imposed if the individual fails to either attend an appointment scheduled by the CWD within 20 calendar days of the notice or contact the CWD by telephone within 20 calendar days of the notice, and fails to do one of the following:
- (a) Provide information to the CWD that leads to a finding of good cause for refusing or failing to comply with program requirements, or
  - (b) Agree to a compliance plan to correct the failure or refusal to comply.
- .232 The written notice of action shall contain the following additional information:
- (a) The date, time, and location of the scheduled appointment.
  - (b) A description of the specific act or acts that have caused the individual to be out of compliance with participation requirements.
  - (c) A statement that the individual has the right to explain why he or she failed or refused to comply with program requirements and to demonstrate that he or she had good cause for his or her refusal or failure to comply.
  - (d) A general definition of good cause and examples of reasons that constitute good cause for not participating in the program.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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(Continued)

- .313 The employment, offer of employment, activity, or other training for employment is remote from the individual's home because either:
- (a) The round-trip travel time required exceeds a total of two hours, exclusive of the time necessary to transport family members to a school or place providing care, or
  - (b) Walking is the only available means of transportation and the round-trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care.
- An individual who fails or refuses to comply with the program requirements based on the remoteness of the employment, offer of employment, activity, or other training for employment shall be required to participate in community service activities in accordance with Section 42-716.4.
- .314 The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.
- .315 The employment, offer of employment, or work activity does not provide for worker's compensation insurance.
- .316 Accepting the employment or work activity would cause an interruption to an approved education or job training program in progress. For purposes of this section, an education or job training program includes all welfare-to-work activities described in Section 42-716, except work experience or community service assignment.
- (a) The approved education or job training program in progress must lead to employment and sufficient income to be self-supporting.
  - (b) If the hours of participation in the approved education or job training program in progress are less than the hours required as a condition of eligibility for aid, the CWD may require the individual to engage in welfare-to-work activities to the extent necessary to meet the required hours of participation.
- .317 Accepting the employment, offer of employment, or work activity would cause the individual to violate the terms of his or her union membership.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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(Continued)

- .32 In determining whether good cause exists for a refusal or failure to comply with program requirements, the CWD shall take into consideration whether the participant has a mental disability that caused or substantially contributed to the refusal or failure to comply with program requirements. This determination shall be made, where appropriate, in consultation with the county mental health department.
- .33 An individual shall have good cause for not participating in welfare-to-work activities if he or she meets the criteria described in Section 42-713.

.4 Sanctions

- .41 Financial sanctions shall be applied when a non-exempt welfare-to-work participant has failed or refused to comply with program requirements without good cause and compliance efforts have failed.
- .411 Any month in which an individual is under sanction and removed from the assistance unit shall not be counted as a month of receipt of aid in determining the 60-month time limit in accordance with Section 42-302.115.
- .412 Any month in which an individual is under sanction and removed from the assistance unit shall not be counted in determining the 18- and 24-month time limits in accordance with Section 42-710.63.
- .413 The period of time a sanctioned individual is considered a reunification parent under Section 82-812.68 shall count toward meeting the sanction periods specified in Section 42-721.43.
- .42 The sanctions shall not apply to an individual who is exempt from the welfare-to-work requirements and is voluntarily participating in the Welfare-to-Work Program. If an exempt volunteer engages in conduct that would bring about the sanction procedures described below but for his or her status as a volunteer, the individual shall not be given priority over other participants actively seeking to participate.
- .43 Financial sanctions for failing or refusing to comply with program requirements without good cause shall result in a reduction in the family's grant by removing the noncomplying family member from the assistance unit for a period of time that increases in the following manner:
- .431 The first instance of noncompliance without good cause shall result in a financial sanction until the noncomplying participant performs the activity(ies) he or she previously refused to perform.

<b>42-721</b>	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b>	<b>42-721</b>
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(Continued)

.511 State Hearing

- (a) The CWD shall inform the individual of his/her right to file an appeal through the state hearing process as an alternative to the formal grievance procedures.
- (b) Procedures for a state hearing are specified in MPP Division 22.
- (c) With the exception of welfare-to-work supportive services (see Section 42-750.213), aid will continue if the individual appeals through the state hearing process within the period of timely notification (see Section 42-721.441).
- (d) If a welfare-to-work participant or other affected party is dissatisfied with a state hearing decision involving on-the-job working conditions or workers' compensation coverage, the party may appeal the decision to the appropriate state regulating agency.
  - (1) A copy of the written decision shall be issued to all affected parties and shall identify the right to appeal. The decision shall also provide the address and instructions for filing an appeal.
    - (A) The instructions shall include the requirement that the appeal be filed within 20 calendar days following receipt of the written decision.
- (e) The participant shall be permitted to request a state hearing to appeal the outcome of a formal grievance.

.512 Formal Grievance Procedures

- (a) The procedures for a formal grievance established by the county board of supervisors and the duration of these procedures shall be specified in the county plan.
- (b) The sole issue for resolution through a formal grievance shall be whether a program requirement or assignment is in violation of the welfare-to-work plan or inconsistent with Chapter 42-700.

42-721	<b>NONCOMPLIANCE WITH PROGRAM REQUIREMENTS</b> (Continued)	42-721
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- (c) The participant shall not be permitted to use the formal grievance to appeal the outcome of a state hearing or the results of an assessment made according to Section 42-711.55.
- (d) The formal grievance shall not be available to a noncomplying individual who has already failed to successfully conciliate in accordance with Section 42-721.2. Under those circumstances, the applicant or recipient may request a state hearing to appeal a program requirement or assignment.
- (e) The individual shall be subject to sanction pending the outcome of the formal grievance or any subsequent appeal only if he/she fails to participate during the period the grievance procedure is being processed.
  - (1) This information shall be provided to an individual when he or she requests information about the procedure for filing a formal grievance.

.513 The CWD shall address any complaints of discrimination based on race, color, national origin, religion, political affiliation, marital status, sex, age, or handicap which may arise through an applicant's/recipient's participation in Welfare-to-Work in accordance with the provisions of MPP Division 21 - Nondiscrimination in State and Federally Assisted Programs.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11203, 11320, 11320.31, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code.

42-730	<b>GAIN JOB SEARCH, TRAINING, AND EDUCATION SERVICES</b>	42-730
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Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

42-731	<b>EMPLOYEE DISPLACEMENT GRIEVANCE PROCESS</b>	42-731
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Renumbered to Sections 42-720.4, .5, .6, and .7 by Manual Letter No. EAS-98-03, effective 7/1/98.

44-314	MAXIMUM FAMILY GRANT (MFG) (Continued)	44-314
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| .142                | A minor that receives aid as a child and who subsequently becomes a minor parent.                                                                                                                                                                                                                              |
| .2 MFG              | When a child is born into an AU that has received aid for at least ten months immediately prior to the birth, the child shall not be included in the AU size for the purpose of determining the MAP. For MFG purposes, the following months will be considered as a month in which the AU did not receive aid: |
| .21                 | Months in suspense as defined in Section 44-315.8 and/or a month in which the AU is eligible for a zero basic grant (ZBG) as defined in Section 44-315.9; or                                                                                                                                                   |
| .22                 | A month in which the reunification family does not receive a cash aid payment pursuant to Section 82-812.683.                                                                                                                                                                                                  |
| .3 MFG Application  | The MFG applies when:                                                                                                                                                                                                                                                                                          |
| .31 Notice          | The AU has received written notice of the MFG at least ten months prior to the birth of the child, and                                                                                                                                                                                                         |
| .32 No Break in Aid | The AU has not had a break in aid of at least two consecutive months during the ten months immediately prior to the month of birth of the child.                                                                                                                                                               |
| .4 Continue MFG     | The MFG continues to apply until the AU has not received aid for at least 24 consecutive months.                                                                                                                                                                                                               |
| .5 MFG Exemptions   | MFG shall not apply when:                                                                                                                                                                                                                                                                                      |
| .51 Rape            | The child was conceived as a result of an act of rape, as defined in Sections 261 and 262 of the Penal Code, and                                                                                                                                                                                               |
| .511                | The rape has been reported to a law enforcement agency, medical or mental health professional or an organization that provides counseling to victims of rape prior to, or within three months after, the birth of the child.                                                                                   |

44-314	MAXIMUM FAMILY GRANT (MFG) (Continued)	44-314
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|-----|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | (a)                        | The recipient shall provide written verification from one of the entities listed above, that the incident of rape was reported and the date that the report was made.                                                            |
| .52 | Incest                     | The child was conceived as a result of incest, as defined in Section 285 of the Penal Code, and                                                                                                                                  |
|     | .521                       | Paternity has been established, or                                                                                                                                                                                               |
|     | .522                       | The incest has been reported to a law enforcement agency, medical or mental health professional or an organization that provides counseling to victims of incest prior to, or within three months after, the birth of the child. |
|     | (a)                        | The recipient shall provide written verification from one of the entities listed above that the incident of incest was reported and the date the report was made.                                                                |
| .53 | Contraceptive Failure      | It is medically verified that the child was conceived as a result of the failure of:                                                                                                                                             |
|     | .531                       | An intrauterine device, or                                                                                                                                                                                                       |
|     | .532                       | Norplant, or                                                                                                                                                                                                                     |
|     | .533                       | The sterilization of either parent.                                                                                                                                                                                              |
| .54 | Unaided Caretaker Relative | The child was conceived while either parent was an unaided nonparent caretaker relative.                                                                                                                                         |
| .55 | Not Living With Parent     | The child is not living with either parent.                                                                                                                                                                                      |



44-314	MAXIMUM FAMILY GRANT (MFG) (Continued)	44-314
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.56	Teen Parent/Former Teen Parent	A teen parent/former teen parent, who has met the age requirements in Section 42-101 at the time the child was born, establishes his/her own AU. When this occurs, the MFG rule shall not apply to:
.561		Any existing child of the teen parent/former teen parent, or
.562		Any new child born to the teen parent/former teen parent during the first ten months after establishing his/her own AU.
.6	MFG Child Eligibility	The MFG child is eligible for and a recipient of aid including special needs.
.61	MBSAC	The MFG child is included in the AU size for the MBSAC.
.62	Child Support	Any child support payments for the MFG child shall be given to the AU and exempt from consideration as income. For treatment as a resource, see MPP Section 42-211.2.
.621		Benefits from the Social Security Administration or other government programs that are based on an absent parent's disability or retirement and paid to, or on behalf of, the MFG child shall be considered child support for MFG purposes.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11203, 11450.04(a), (b)(1), (2) and (3), (d)(1), (2) and (3), and (e), Welfare and Institutions Code; Sections 261, 262, and 285, Penal Code; Nickols v. Saenz, Case Number 310867, August 25, 2000; and Kehrer v. Saenz, Case Number 99CS02320, January 22, 2001.

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**80-301      DEFINITIONS (Continued)****80-301**

- (2) Otherwise Eligible "Otherwise eligible" means a status where the person has been determined to meet all eligibility requirements for aid, other than that eligibility factor being considered.
- p. (1) Parent "Parent" means the biological parent, married or unmarried, of the child unless the child has been adopted or relinquished for adoption or the parental rights are terminated. If the child is adopted, the person who adopts the child is the parent. If the child is relinquished for adoption or the parental rights are terminated, that parent is no longer considered the parent except for purposes of determining a caretaker relative.
- (2) Photo Imaging "Photo Imaging" means the process that automatically scans an individual's facial features and produces a facial image. The image is added to the statewide SFIS database.
- (3) Pregnant Woman "Pregnant woman" means a woman (including a minor) who has provided medical verification of pregnancy to the county.
- (4) Public Hospital "Public hospital" means an institution which is:
- (A) Licensed or formally approved as a hospital by an officially designated state standard-setting authority for study, diagnosis, treatment of physical, emotional, or mental conditions, care of injured, disabled or sick persons, and
- (B) Supported from public funds, and
- (C) Managed and controlled by a unit of government.
- q. (Reserved)
- r. (1) Recipient "Recipient" means a person who is receiving AFDC.
- (A) A person becomes a "recipient" on the date on which both of the following conditions are met:

<b>80-301</b>	<b>DEFINITIONS (Continued)</b>	<b>80-301</b>
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1. the person meets all conditions of eligibility, and
2. the county signs authorization documents to approve the application for AFDC.

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**HANDBOOK BEGINS HERE**

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- (B) An applicant who has been approved for an immediate need and/or homeless assistance payment based on his/her apparent eligibility is not considered to be a recipient, as specified in Section 40-129. In these cases, the county has not signed authorization documents to approve the AFDC application.

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**HANDBOOK ENDS HERE**

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- (2) Recover "Recover" means to grant adjust or collect an overpayment.
- (3) Reunification Parents "Reunification Parents" means those parents who are eligible to continue to receive CalWORKs services when they meet the following conditions: the child has been removed and placed in out-of-home care; when the child was removed, the family was receiving CalWORKs assistance; and the county has determined that provision of services is necessary for reunification.
- (4) Reunification Cases "Reunification Cases" means those CalWORKs cases in which the children have been removed from the assistance unit (AU) and considered temporarily absent while their parents are receiving family reunification services.
- (5) Reunification Plans "Reunification Plan" means the case plan developed by child welfare services and ordered by the court which determines reasonable services to be offered or provided to make it possible for a child to return to a safe home environment.

**80-301 DEFINITIONS (Continued)**

80-301

- (6) **Reunification Services** “Reunification Services” means those CalWORKs services deemed by the court to be necessary for family reunification when the children have been removed from the home.

NOTE: Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11203, 16501.1, and 16507, Welfare and Institutions Code; and 45 CFR 233.20.

- |    |                                                     |                                                                                                                                                                                                                                                                                                                                                             |
|----|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| s. | (1) Sanction                                        | "Sanction" means action taken by the county resulting in ineligibility resulting from an action or lack of action by a recipient.                                                                                                                                                                                                                           |
|    | (2) Second Parent                                   | "Second Parent" means the parent living in the home who is not the caretaker relative parent.                                                                                                                                                                                                                                                               |
|    | (3) Senior Parent                                   | "Senior Parent" means the parent of a minor parent when the minor parent receives aid for his/her child or the parent of a minor pregnant woman.                                                                                                                                                                                                            |
|    | (4) Sibling                                         | "Sibling" means the brother or sister who has both parents in common with the applicant child. This includes siblings by adoption.                                                                                                                                                                                                                          |
|    | (5) Sponsored Noncitizen                            | "Sponsored noncitizen" means a noncitizen whose entry into the United States was sponsored by a person who executed an I-864 Affidavit of Support or similar agreement on behalf of a noncitizen as a condition of the noncitizen's entry into the United States.                                                                                           |
|    | (6) California Department of Social Services (CDSS) | "CDSS" means the state department which supervises the counties in the administration of the AFDC program. Also referred to as Department.                                                                                                                                                                                                                  |
|    | (7) Statement of Facts                              | "Statement of Facts" means the CA 8 (Rev. 2/84) CA 8A (Rev. 10/89), CA 20 (Rev. 4/88), CA 22 (Rev. 10/85); CA 23 (Rev. 1/85), CA 24 (Rev. 1/85), JA2 (Rev. 4/90) or SAWS 2 (Rev. Pending) are the state required forms used to collect the information necessary to determine a family's eligibility. See Section 80-310 for title and definition of forms. |

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82-812	TEMPORARY ABSENCE (Continued)	82-812
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|------|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| .631 |                                                     | For the purpose of this section, hospitalization includes a stay in a medical hospital, psychiatric care facility, or drug and/or alcohol rehabilitation treatment facility.                                                                                                                                                                                                                                                              |
| .64  | Employment                                          | A person absent from the home due to employment may be considered temporarily absent for the duration of the employment/job activity.                                                                                                                                                                                                                                                                                                     |
| .65  | Attending Educational or Vocational Training School | A person absent from the home due to attendance at an institution of high learning, an educational school leading to a high school diploma or equivalent, or a vocational school leading to employment, may be considered temporarily absent for the duration of the schooling or training when there is no educational or vocational school within the vicinity of the person's home that provides the education or vocational training. |
| .66  | Child with Special Needs                            | A child who attends a school which meets the special needs of the child shall be considered temporarily absent for the duration of the schooling when:                                                                                                                                                                                                                                                                                    |
| .661 |                                                     | The child has a current Individualized Education Plan (IEP); and no school that meets the child's needs, as described in the IEP, is located close enough to the child's home that the child can continue to live at home while attending school.                                                                                                                                                                                         |
| .67  | Child in a Group Home                               | A child who is in a licensed group home due to a crisis situation (i.e., hospitalization or incapacity of the parent, parents receiving respite services to maintain family stability, etc.) shall be considered temporarily absent for the duration of the crisis when:                                                                                                                                                                  |
| .671 |                                                     | The licensed group home does not receive AFDC-FC for the child, and the caretaker relative continues to have care and control concerning any major health and welfare decisions.                                                                                                                                                                                                                                                          |

**82-812 TEMPORARY ABSENCE (Continued)****82-812****.68 Children Receiving Out-of-Home Care****.681**

Children removed from the home and receiving out-of-home care may be considered to be temporarily absent for a period of up to 180-consecutive days and the parent or parents remaining in the home will be eligible for CalWORKs services when:

**(a)**

The child has been removed from the parent(s) and placed in out-of-home care,

**(b)**

The AU was receiving CalWORKs assistance when the child was removed from the parent(s), and

**(c)**

The county has determined that provision of CalWORKs services is necessary for family reunification.

**.682**

A biological or adoptive parent of a child who is temporarily absent and receiving out-of-home care, may continue to receive CalWORKs services. In order to receive these services, and provided they are otherwise eligible, the parent(s) also must have a court-ordered reunification plan.

**.683**

The reunification parent shall not receive a cash grant. If not all of the children in the family are removed from the home, and the parent remains eligible for a cash grant, the parent is not a reunification parent and the family is not a reunification family.

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**HANDBOOK BEGINS HERE****(a)**

Reunification parents, cases, plan, and services are defined in Section 80-301.

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**HANDBOOK ENDS HERE**

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**.684**

Reunification parents are eligible for welfare-to-work services as described in Section 42-700 et seq.



82-812	TEMPORARY ABSENCE (Continued)	82-812
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- .685 Reunification parents are eligible for supportive services pursuant to Section 42-750.
- .686 Reunification parents are subject to the rules regarding supportive services underpayments and overpayments set forth in Section 42-751.
- .687 Time limit requirements, pursuant to Section 42-300, et seq. will continue to be in effect for reunification parent(s).
- (a) Monthly eligibility reporting requirements for reunification cases are set forth in Section 40-181.1(e)(6).
- (b) The reunification case will be subject to a six-month eligibility redetermination pursuant to Section 40-181.1(e)(5).
- (c) An eligibility redetermination pursuant to Section 40-181.1(e)(4) will be conducted to reopen the CalWORKs case when an AU is reunified before or after the initial 180-day reunification plan period or the six-month reunification redetermination period.
- (d) Pursuant to Section 42-711.61, the county may utilize the court-ordered family reunification plan as the required welfare-to-work (WTW) plan or amend the WTW plan and include all or part of the WTW activities in the reunification plan.
- (e) Pursuant to Section 42-711.512 and Section 42-721.413, reunification parents that are subject to a WTW sanction, including a second or third instance sanction, are not precluded from receiving CalWORKs reunification services. Participation in a family reunification plan will also count toward any required sanction period.
- (f) For Maximum Family Grant purposes and pursuant to Section 44-314.322, a month in which children are temporarily absent from the home shall be considered a month in which the AU did not receive aid.

<b>82-812</b>	<b>TEMPORARY ABSENCE (Continued)</b>	<b>82-812</b>
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.688                      The county may grant a good cause extension to the 180-day temporary absence in the following situations:

(a)                      An extension is needed for the number of days between the date of the children's removal and the date the court orders a reunification plan.

(b)                      The county determines that additional time is needed, beyond the 180 days, to complete the reunification plan. This extension can be in effect until termination of the family reunification plan.

.7      Documentation of Temporary Absence                      The county shall document the basis for the temporary absence.

[Previous cite: 44-203.22(a)(3), 42-500]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11203, 11269, 11323, and 11454, Welfare and Institutions Code; and 42 USC 408(a)(10).

<b>82-820</b>	<b>INCLUDED PERSONS</b>	<b>82-820</b>
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.1      Assistance Unit                      An AU shall be established when all eligibility factors have been determined.

.2      Minimum Requirements                      An AU shall have at least one of the following:

.21      Child                      One eligible child.

.22      Caretaker Relative                      A caretaker relative of an SSI/SSP child, Kin-GAP child or of a child receiving federal, state or local foster care maintenance payments. For purposes of this section, local foster care maintenance payments are payments made with county-only funds for the board and care costs of children in 24-hour out-of-home care who have an open child welfare services case file.

<b>82-812</b>	<b>TEMPORARY ABSENCE (Continued)</b>	<b>82-812</b>
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.23	Pregnant Woman	A pregnant woman.
.24	Relative of GAIN Sanctioned Child	A relative of a child who is sanctioned by GAIN.
.3	Mandatory Inclusion	The AU shall include the following persons when living in the same home and eligible:
.31	Applicant Child	The applicant child.
.32	Siblings	Any eligible sibling or half-sibling of the applicant child who meets the age requirement.
.33	Parents	Any parent, except for alternatively sentenced parents, of:

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